

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

UNITED STATES OF AMERICA)	Criminal No: 5:07-772 (MBS)
)	
v.)	
)	
STACY SHANNON)	
)	

MOTION FOR REDUCTION OF SENTENCE PURSUANT TO RULE 35(b)

Stacy Shannon was sentenced on August 4, 2008, to two hundred and sixty two (262) months after pleading guilty to possession with intent to distribute and distribution of 50 grams or more of cocaine base in violation of Title 21, U.S.C. §§ 841(a)(1) and 841(b)(1)(A). Shannon plead guilty pursuant to a written plea agreement which contained standard cooperation language as well as standard 5K1.1 or Rule 35 language. Shannon received a 5K1.1 motion at the time of his original sentencing based solely on the historical information he had provided against an Atlanta drug dealer named Spigner, historical information on Maurice Randolph and historical information on Michael Darby. Spigner and Randolph plead guilty prior to Shannon's sentencing on August 4, 2008. Darby went to trial after Shannon's sentencing date.

Shannon was originally facing a statutory mandatory life sentence due to his two prior felony drug convictions, however the Court granted the Government's motion for sentence reduction pursuant to 5K1.1 and Title 18, U.S.C. § 3553(e) and sentenced

Shannon to the above referenced two hundred and sixty two (262) months sentence¹.

After Shannon was sentenced, he testified in the trial of Michael Darby in December of 2008. Based on the substantial assistance Shannon provided against Darby during the trial, the Government moved the Court for a sentence reduction pursuant to Rule 35(b). The Court granted that motion and on January 17, 2012, the Court issued an amended judgement which reduced Shannon's sentence to one hundred and sixty eight (168) months².

During the week of November 26, 2012, Shannon was again called upon by the Government to testify against a coconspirator. During his original cooperation with the ATF, Shannon provided information that he had supplied Stanley "Goat" Partman with 4.5 ounce quantities of cocaine. On November 27, 2012, Shannon testified during Partman's trial before the Honorable Joseph F. Anderson, Jr. Shannon testified that for a period of approximately 3.5 years, he supplied Partman with 4.5 ounce quantities of cocaine on average twice a week. This testimony was corroborated by Partman's statements to law enforcement that were admitted during the trial. On November 29,

¹ This range was based on a Criminal History Category II, a Total Offense Level of 41 (the lowest offense level in CHC II with a range of 360-life), and a reduction of 3 Offense Levels from level 41 to the recommended sentencing range of 262-327 months at an Offense Level 38.

² This sentence was based on the Government's request for a four (4) level departure from Total Offense Level 38, Criminal History Category II. The resulting 168 month sentence is the bottom of the range (168-210 months) at Total Offense Level 34, Criminal History Category II.

2012, the jury returned guilty verdicts against Partman, convicting him of a conspiracy to distribute 5 kilograms or more of cocaine. The Government submits that Shannon's testimony provided substantial assistance in the prosecution of Stanley Partman and that his testimony specifically assisted the Government in proving the threshold quantity of 5 kilograms or more with respect to the conspiracy charge.

WHEREFORE, the Government moves that this Honorable Court grant the Motion for a reduction in sentence pursuant to Fed. R. Crim. P., Rule 35(b). The Government requests that this Court reduce Shannon's sentence to a total sentence of one hundred and eight (108) months³. The Government submits that this reduction would be in exchange for the substantial assistance he has provided during the prosecution of Stanley Partman.

Respectfully submitted,

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³ This represents a four (4) level departure from Total Offense Level 34 (168-210 months) to Offense Level 30 (108-135 months).

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UNITED STATES OF AMERICA)	Case No. 5:07-772
)	
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STACY SHANNON)	

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the District of South Carolina, and on December 7, 2012, I served one true and correct copy of the **GOVERNMENT’S MOTION FOR RULE 35 SENTENCE REDUCTION** in the above-captioned case, via the court’s e-noticing system, but if that means failed, then by regular mail, on the following person(s):

Stacy Shannon
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FCI Estill
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s/ J.D. Rowell
J.D. Rowell
Assistant United States Attorney